



October 15, 2002 CPC
November 19, 2002 CPC
December 18, 2002 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0160

Chippenham Square Acquisitions, LLC
and Check Into Cash of Virginia, LLC

Midlothian Magisterial District
7415 Midlothian Turnpike

REQUEST: Conditional Use to permit a payday loan business in a General Business (C-5) District.

PROPOSED LAND USE:

In addition to uses currently permitted on the property, a payday loan business is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend denial for the following reason:

The proposed use is not conducive to the revitalization goals suggested by the Eastern Midlothian Plan and could set a precedent for other similar land uses along this portion of the Midlothian Turnpike Corridor.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE

RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITION

- As a condition of use on the property, Check Into Cash of Virginia LLC shall not provide any check cashing services to its customers and shall not conduct any activities related to on-demand check cashing. However, Check Into Cash of Virginia, LLC shall be permitted to use checks as security/collateral in the normal course of its business as regulated by the Code of Virginia and the State Corporation Commission. (P)

GENERAL INFORMATION

Location:

South line of Midlothian Turnpike, and west line of Granite Spring Drive and is known as 7415 Midlothian Turnpike. Tax ID 763-706-2532 (Sheet 7).

Existing Zoning:

C-5

Size:

17.6 acres

Existing Land Use:

Commercial (Chippenham Square Shopping Center)

Adjacent Zoning and Land Use:

North – C-3, C-5 and C-5 with Conditional Use; Commercial or vacant

South – A, C-3 and C-5; Commercial or vacant

East and West – C-5; Commercial, single family residential or vacant

UTILITIES

The existing facility is connected to both the public water and wastewater systems. Use of the public water and wastewater systems is required by County code.

ENVIRONMENTAL

Drainage and Erosion:

The proposed use will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Buford Fire Station, Company Number 9 and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service to this site. This request will not impact fire and emergency medical service.

Transportation:

The property is currently zoned General Business (C-5). The applicant is requesting a Conditional Use to allow a payday loan business on the property. This requested land use would have a minimal impact on the anticipated traffic generation. Vehicles generated by this development will be distributed along Midlothian Turnpike (Route 60), which had a 2001 traffic count of 59,884 vehicles per day.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Eastern Midlothian Plan which suggests the property is appropriate for regional mixed uses, to include a mixture of integrated office, shopping center and industrial parks. The Plan identifies a concern with the intensity of the zoning along the corridor and the potential incompatibility of such intense uses with area neighborhoods. Further, the Plan stated a goal to insure that the area is actually and perceptually safe and secure. As a result, there was a companion Zoning Ordinance Amendment which required that many of the uses permitted by right previously be required to obtain a Conditional Use. The resulting Ordinance Amendment addressed not only intensity of uses but also those uses which have established perceptions that may adversely affect real estate decisions.

Recently, the County has hired a consultant to undertake development of a revitalization strategy to provide direction relative to insuring that the corridor does not experience further decline. This study is anticipated to be completed by the beginning of 2003.

Area Development Trends:

The properties to the north are zoned General Business (C-5) and Agricultural (A) and are occupied by commercial uses or are vacant. The properties to the south are zoned

Agricultural (A), Community Business (C-3) and General Business (C-5) and are occupied by commercial uses or are vacant. Properties to the east and west along Midlothian Turnpike are zoned General Business (C-5) and commercial or single family residential uses or are vacant. The area is experiencing vacancy and decline issues.

Use:

The Director of Planning has classified this use as a pay day loan business. A pay day loan business is not a use specifically enumerated in the Zoning Ordinance. As such, it is not a use permitted by right in any zoning district. The use may be allowed through obtaining a Conditional Use from the Board of Supervisors since it is not specifically enumerated. The Ordinance provides for a Conditional Use for uses which are not specifically enumerated, provided the uses operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in the district.

The applicants appealed the decision of the Director of Planning not to allow the business to operate by right on the property. The Board of Zoning Appeals (BZA) on November 6, 2002, upheld the Director's decision (Case 03AN0148).

In addition, the applicants have proffered that check cashing services or any activities related to check cashing will not be provided on the property (Proffered Condition). The provision of such services would make the use a check cashing establishment. A check cashing establishment is only allowed with a Conditional Use. Since the applicants have not applied for a Conditional Use to permit a check cashing establishment, the use would not be allowed. Therefore, the Proffered Condition should not be accepted.

Site Design:

The request property currently lies within a General Business (C-5) District located within a Post Development Area and has developed as Chippenham Square Shopping Center. The purpose of the Post Development Area is to provide flexible design criteria in areas that have already experienced development and to ensure continuity of development. Any redevelopment of the site must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

CONCLUSIONS

The proposed use is not conducive to the revitalization goals suggested by the Eastern Midlothian Plan and could set a precedent for other similar land uses along this portion of the Midlothian Turnpike Corridor. As previously noted, a companion Ordinance Amendment was adopted to restrict the uses permitted by right along the Corridor. The uses which were restricted are those which were determined to potentially have a negative impact on the revitalization goals of the

Plan. It was noted that some uses, such as check cashing, have a negative public perception with respect to the viability and economic health of an area.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (10/15/02):

On their own motion, the Commission deferred this case to November 19, 2002.

Staff (10/16/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's November 19, 2002, public hearing.

Staff (10/22/02):

To date, no new information has been received.

Planning Commission Meeting (11/19/02):

The applicant did not accept the recommendation. There was opposition present. Concern was expressed that the use would create a negative perception for the corridor.

Mr. Gecker indicated that the proposed use would lead to a negative perception as to the viability of the corridor.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, December 18, 2002, beginning at 7:00 p.m., will take under consideration this request.

